

REMARKS

In connection with the filing of a Request for Continued Examination, the Applicant respectfully submits this Amendment.

After entry of this Amendment, there are two independent claims, claim 12 and claim 33. Claim 12 has been previously allowed. Claim 33 is new.

Claim 33 recites a method of coating a stent comprising the steps of: “precoating the stent with a swellable carrier coating;” “providing a supercritical fluid carrying a therapeutic;” and “causing the stent, precoated with the swellable carrier coating, to be in contact with the supercritical fluid and therapeutic, thereby causing the swellable carrier coating to swell and to absorb therapeutic.” This new claims is supported by the specification as filed. For example, the specification states that the medical device, which may be a stent (page 4, line 25), “may be precoated with a swellable carrier coating” (page 4, line 27). The specification states that a supercritical fluid, carrying a therapeutic, may be injected into a chamber containing the stent (page 5, lines 13-16). The stent “may absorb the therapeutic into its carrier coating,” which is a coating “which may have swelled after coming into contact with the supercritical [fluid], thereby making it more receptive to accepting and carrying the therapeutic.” (page 5, lines 23-26).

The Applicant respectfully submits that new claim 33 and the claims that depend from claim 33 are allowable over the prior art of record. European Patent Application 0 405 284 to Greiner relates to impregnating a pharmaceutical into an uncoated catheter. By contrast, Applicant’s claim 33 relates to coating a stent and recites the steps of “precoating [a] stent with a swellable carrier coating” and “causing the swellable carrier coating to swell and to absorb therapeutic.” In the Greiner method, the catheter has no coating on it at all. There is no suggestion in Greiner of modifying the method to coat a stent and to the include of the steps of

“precoating the stent with a swellable carrier coating” and “causing the swellable carrier coating to swell and to absorb therapeutic.”

U.S. Patent No. 5,383,928 to Scott discloses a sheath for encompassing a stent. The “Background of the Invention” section of the Scott reference discusses different methods of coating stents, including directly coating stent wires with a drug or a drug-polymer combination. Scott, col. 3, lines 49-68. The Scott reference criticizes polymer coatings on stents, stating that they have “inadequacies” and that, despite these prior techniques, there remains a “great need” to effectively prevent thrombosis at the stent site, leading to Scott’s “separate sleeve”:

Because of the inadequacies associated with polymer coatings directly applied onto the stent wires, there remains a great need to effectively prevent thrombosis at the stent site. The present invention satisfies this need by providing a separate sleeve to encompass the stent and serve as a local drug delivery device to prevent thrombosis.

Scott, col. 4, lines 8-15 (emphasis added).

The Applicant respectfully submits that the Scott reference teaches away from the Applicant’s invention. A person of ordinary skill in the art reading the Scott disclosure would be directed away from the use of drug-polymer coatings directly on stents and toward the separate sleeve disclosed in the Scott reference. Moreover, there is no suggestion in the Scott reference of the Applicant’s claimed steps of “precoating [a] stent with a swellable carrier coating” and “causing the swellable carrier coating to swell and to absorb therapeutic.” The Applicant respectfully submits that the Scott reference does not provide motivation for modifying the Greiner method to arrive at Applicant’s method as now claimed.

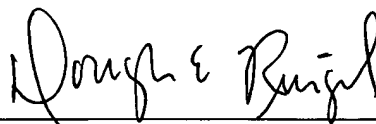
For the foregoing reasons, the Applicant respectfully requests the Examiner’s favorable consideration of the claims as pending after entry of this Amendment. Should any questions arise, the Examiner is invited to contact the undersigned at the number given below. The

Commissioner is authorized to charge any necessary fees or to credit any overpayment to

Deposit Account No. 11-0600.

Respectfully submitted,

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